INVESTIGATIVE SUMMARY

IAB FILE #009133

The summary of this incident is based upon the reports, memos and taped interviews contained in this packet **(Exhibit A-Reports)**. This summary is preliminary, and does not contain an interview of the Department member involved in the incident by the Internal Affairs Bureau investigators. The deputy's account of this incident was obtained verbally from supervisors and from the Homicide Bureau detectives who responded to the scene and interviewed those involved.

Lieutenant Ron Tardiff, and Sergeants Katie Campbell and Mike Barnum of the Internal Affairs Bureau, were notified on June 6, 1995, that a one-man Lakewood Station patrol unit, assigned to the Cerritos area, had been involved in a shooting incident. It was revealed that one male suspect had been killed. After responding to the location, [redacted] Reva Street, Cerritos, Sergeants Campbell and Barnum contacted Lakewood Station personnel at the scene. Lieutenant Dennis Werner provided preliminary details of the shooting as relayed to him by personnel who arrived shortly after the incident to contain the area. Also present during this briefing was Deputy Richard Fortelny from the Recruit Training Bureau.

Investigation revealed that between 1718 hours and 1722 hours, Lakewood Station desk personnel received at least six 911 calls from , requesting assistance because the suspect, Robert Smith, M/W-23, was beating his [redacted] and was destroying property. Some of these were hang-up calls **(Exhibit B-Printouts)**. The call was dispatched and assigned to unit 131B, Deputy Nicholas Rampone #[redacted] with 131D, Deputy Carl Malveaux #[redacted] assigned as the assisting unit. Both units acknowledged the call at 1723 hours and arrived at the location at 1744 hours. The residence is located on . (A tape recording of these calls is on file at IAB Headquarters).

When the deputies arrived at the location they contacted Mr. [redacted] father of the suspect, and his [redacted], [redacted] M/W-15, who were standing on the driveway of the location, waiting for them **(Exhibit C-Diagram)**. They were told the suspect had climbed over a neighbor's fence when he saw them arriving. Mr. [redacted] pointed to a red Pontiac Firebird on the driveway of the location, with windshield and body damage **(Exhibit D-Photos)**. Mr. [redacted] advised the deputies that earlier that day the suspect had argued with him regarding the use of the vehicle. He stated the suspect then got into an argument with [redacted], and had punched him and threatened both of them with further violence. Mr. [redacted] related the suspect then broke the windshield of the vehicle with a shovel and he then threw a backpack and 45 pound dumbbell at the vehicle, which caused the body damage. Mr. [redacted] further explained that the suspect had a problem with alcohol and drug abuse, and had been violent with various members of his family in the past. Deputies Rampone and Malveaux advised Mr. [redacted] and his family of their options if and when the suspect returned to the location, and continued to be violent with them, i.e. emergency restraining orders, or misdemeanor or felony charges against the suspect.

Deputy Rampone related Mr. [redacted] was reluctant to have any of the family members file charges against the suspect, even though the [redacted], was extremely upset and expressed fear of attack when the suspect returned. Deputy Rampone stated after explaining their options regarding the suspect, he

gave them his business card and told them to contact him if they decided to take a course of action.

Deputies Rampone and Malveaux walked out to their radio cars and Deputy Malveaux left the location immediately. Records indicate he entered his time of leaving the location (10-98) at 1814 hours, after having arrived at the location thirty minutes earlier. As Deputy Rampone continued to talk to Mr. [redacted] outside the location, and as he began to drive off, a neighbor next door at Mr. [redacted] advised Deputy Rampone that the suspect was hiding in some bushes in his backyard. Records indicate that at 1818 hours Deputy Rampone asked his assisting unit, Deputy Malveaux, to return to the location, advising him that the suspect was at a house next door to the original location. Deputy Malveaux acknowledged Deputy Rampone over "L tac" and advised him he would return to the location. Deputy Rampone entered Mr. [redacted] home, followed by Mr. [redacted] Mr. [redacted] refused to acknowledge Deputy Rampone's request not to follow him inside the location. Deputy Rampone looked out a rear sliding glass door and then looked through a small window in an attempt to locate the suspect in the backyard. Deputy Rampone could not locate the suspect. He then had Mr. [redacted] open the sliding glass door and call out to his son or order in a further attempt to draw him out from his hiding place.

> Deputy Rampone related that after having taken these precautions, he believed the suspect was most likely gone and had probably jumped over another fence to avoid arrest. Deputy Rampone stated he went outside to confirm the suspect was gone and again asked Mr [redacted] to stay inside the house. Again, Mr. [redacted] ignored his request and followed him outside.

Deputy Rampone walked across a small patio to a planter area pointed out to him by Mr. [redacted], and found the suspect sitting in the bushes, smoking a cigarette **(Exhibit E-Photos)**. As Mr. [redacted] attempted to talk to the suspect to convince him to cooperate with Deputy Rampone, the suspect cursed at his father and refused to exit the bushes. The suspect initially ignored Deputy Rampone's orders for him to exit the bushes and told him he would "fuck him up" if he attempted to get him out of the bushes. The suspect suddenly stepped out of the planter, walked past Deputy Rampone and approached Mr. [redacted] Fearing for Mr. [redacted]s safety as the suspect continued to ignore his commands to stop, Deputy Rampone retrieved his OC spray from his gun belt. He then approached the suspect from the rear, tapped on his shoulder and told him he didn't want him to leave. The suspect suddenly turned around, his right hand in a fist, and appeared as if he were going to strike Deputy Rampone. Deputy Rampone sprayed the suspect once in the face with the OC spray, which appeared to have little or no effect on him.

> Deputy Rampone related at this point the suspect turned to his father, who was still standing near the planter and told him, "See this, this is your fault. If they kill me, it's because of you."

As the suspect approached the rear sliding glass door to the location, again ignoring Deputy Rampone's orders for him to stop, the suspect suddenly lunged toward the door as if he were going to enter. Deputy Rampone grabbed the collar of the suspect's shirt with his left hand, which caused both of them to fall into the draperies as they struggled in the den area **(Exhibit F-Photos)**. The suspect turned toward Deputy Rampone and tried to grab his gun from its holster with both hands. Deputy Rampone swiveled his hip away from the suspect, at the same time pushing the suspect down with his left arm.

Deputy Rampone related there was no doubt in his mind that if the suspect had been able to pull his gun out of his holster, he would attempt to kill him with it.

As the suspect tried to grab him, Deputy Rampone managed to get up and run outside the door, back into the patio area, as the suspect ran toward him. Deputy Rampone drew his Beretta from his holster, ordered the suspect to "freeze" and told him he was under arrest. He then advised him not to advance any closer. The suspect continued to advance and again told Deputy Rampone he was going to "fuck him up". Deputy Rampone continued to back away from the suspect toward the planter, repeatedly advising the suspect to stop. Again the suspect addressed his father, stating, "If they kill me, it's because of you". The suspect told Deputy Rampone, "kill me", or "shoot me". As Deputy Rampone continued to back up, the suspect walked past him , turned to his right, and began to walk onto a lawn area, directly west of the planter area **(Exhibit G-Photos)**. Deputy Rampone walked alongside the suspect, as he continued to point his gun at him, and advise him he was under arrest. The suspect turned toward Deputy Rampone, and raised his fist as he advanced toward Deputy Rampone. Deputy Rampone backed up toward a large tree or planter in the backyard and as his right foot struck either a large root of the tree or the planter **(Exhibit H-Photos)**, he realized he could back up no further. At this point the suspect lunged at him. Deputy Rampone fired his Beretta three times and the suspect fell to the ground, face first. Mr. [redacted] was the only witness to the shooting as he stood adjacent to the planter area.

Deputy Rampone related he believed the suspect would not stop his advance and would again attempt to take his gun away from him and use it against him. He stated he believed the suspect could overtake him. (The suspect is listed as being 6', 205 pounds. Deputy Rampone's last information sheet lists him at 6', 215 pounds.) Deputy Rampone told the Homicide Bureau investigators he left his PR-24 baton in his radio car when he exited his vehicle upon first arriving at the location. He did not retrieve his baton when he exited his vehicle a second time to follow the neighbor, Mr. [redacted], into his home after being flagged down.

Homicide Bureau related the suspect was shot as he was less than 6' away from Deputy Rampone. The suspect was shot once on his upper left chest area and once on the top of his left shoulder/neck area. Sergeant Dave Watkins related the location of this wound is consistent with Deputy Rampone's statement that the suspect "lunged" at him, which would have caused the suspect to lower his head as he moved toward Deputy Rampone. The suspect was struck by two of the three rounds fired. A check of Deputy Rampone's Beretta by the Homicide Bureau investigators after the shooting revealed one round remaining in the chamber and twelve rounds remaining in the magazine.

Deputy Rampone immediately advised Mr. [redacted] to dial 911. Records indicate that at 1820 hours [redacted], after having heard the three shots from his bedroom next door, dialed 911 and advised Lakewood Station desk that a deputy had just shot his [redacted] and paramedics were needed. This was two minutes after Deputy Rampone was flagged down by Mr. [redacted] and requested that his assisting unit return to the location. Records also reveal that at 1821 hours Deputy Rampone radioed for assistance at the location and indicated he had been involved in a shooting. At 1822 hours, Deputy Malveaux, 131D, indicated he was now at the location with Deputy Rampone.

A RAPS inquiry **(Exhibit I-Printout)** revealed that beginning in September, 1993, ten (10) 911 calls were placed by Mr. [redacted] and his family to the Lakewood Station desk requesting

assistance regarding family disturbances involving the suspect, Robert Smith. These calls involved the suspect threatening the family, taking items from the home, and destroying property. On February 26, 1995, Mr. [redacted]

At the location, Mr. [redacted], refused to be interviewed by investigators from the Homicide Bureau. On June 8 and June 13, Sergeant Katie Campbell of the Internal Affairs Bureau, contacted Mr. [redacted] regarding his eyewitness account of the shooting. At those times Mr. [redacted] refused to be interviewed, on the advice of an attorney. Mr. [redacted] would only state, "The deputy (Rampone) didn't have to kill my son. They murdered my son."

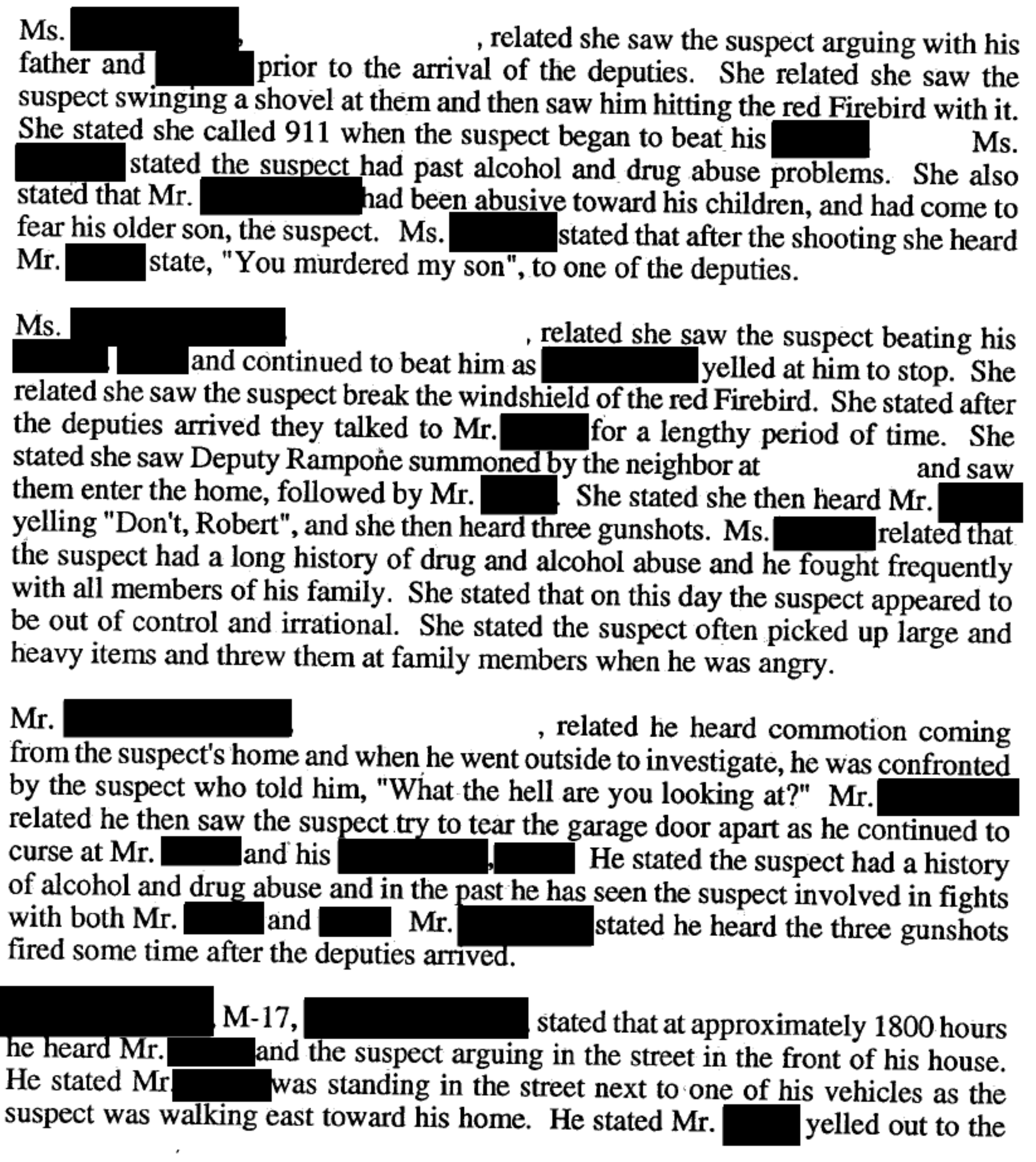
The suspect's [redacted] [redacted], M/W-15, was interviewed by both Homicide Bureau investigators and a Lakewood Station detective, Deputy Frank Matillo, the night of the incident. [redacted] told Detective Matillo that earlier in the day, at approximately 1615 hours, the suspect and his [redacted], [redacted], argued because Mr. [redacted] would not allow the suspect to drive his vehicle, a red Firebird. [redacted] related the suspect was intoxicated. He stated his [redacted] locked himself inside the vehicle and prevented the suspect from opening the car doors with keys the suspect had taken from inside the house. [redacted] stated the suspect began to hit the vehicle with several items, including a shovel and barbell, and when he tried to intercede, the suspect began to beat him and pound his head on the concrete garage floor. He stated his [redacted] broke up the fight and told him to call 911, which he did. He stated his mother, [redacted], also called 911. He stated the suspect eventually went into his bedroom to sleep, but when he saw the deputies arrive, he ran out of the house and escaped over his neighbor's fence.

related that when his neighbor, Mr. [redacted], flagged down Deputy Rampone, both he and his [redacted] followed him into the house. He stated he did not see his [redacted], the suspect, at the time, because Deputy Rampone asked him to go outside to the front of the location and wait for his partner. He stated he went back into his home to call 911 again and as he did he saw his [redacted] in his neighbor's rear yard, but he could not see the deputy. He stated it appeared his [redacted] was struggling with someone. He stated he could hear his [redacted] telling the suspect to cooperate with Deputy Rampone and then heard the deputy say the words "felony" and "assault". He stated he then heard the suspect yell, "felony, felony for what?". He stated at one time he heard Deputy Rampone yell to the suspect, "Don't come any closer; don't do it". He stated he then heard three gunshots. At that time he dialed 911.

related that the suspect had used "speed" in the past and had abused alcohol. He stated the suspect was separated from his wife, who had filed a restraining order against him after she charged him with spousal abuse. expressed the opinion that Deputy Rampone "did his job", and "did what he had to do", and he should not be punished. He also expressed the opinion that the suspect was very strong from lifting weights and Deputy Rampone may have realized he could be overcome by this strength. (Investigators noted that had a black eye and several lacerations throughout his body from being hit by the suspect.)

Mr. [redacted] , related that after flagging down Deputy Rampone and allowing him into his home, he attempted to show him where the suspect was hiding. He stated that after Deputy Rampone confronted the suspect in the backyard, he and his wife, fearing violence against them, hid inside his home, in a bathroom. He stated that shortly after this he heard three shots, but saw nothing further.

The neighborhood was canvassed by both Lakewood Station patrol personnel and Homicide Bureau investigators immediately after the shooting. Neighbors living on Reva Street, David Way, and Ashworth Street (street north of the location) were interviewed. Many of the neighbors stated they were not at home during the time of the shooting, but several of those who were home heard the gunshots only. Their statements are contained in the supplemental reports included in this case. Those witnesses interviewed who heard statements made by the involved parties or saw events leading up to the shooting, are identified as follows:



Ms. [redacted] , related she saw the suspect arguing with his father and [redacted] prior to the arrival of the deputies. She related she saw the suspect swinging a shovel at them and then saw him hitting the red Firebird with it. She stated she called 911 when the suspect began to beat his [redacted] Ms. [redacted] stated the suspect had past alcohol and drug abuse problems. She also stated that Mr. [redacted] had been abusive toward his children, and had come to fear his older son, the suspect. Ms. [redacted] stated that after the shooting she heard Mr. [redacted] state, "You murdered my son", to one of the deputies.

Ms. [redacted] , related she saw the suspect beating his [redacted], [redacted] and continued to beat him as [redacted] yelled at him to stop. She related she saw the suspect break the windshield of the red Firebird. She stated after the deputies arrived they talked to Mr. [redacted] for a lengthy period of time. She stated she saw Deputy Rampone summoned by the neighbor at and saw them enter the home, followed by Mr. [redacted]. She stated she then heard Mr. [redacted] yelling "Don't, Robert", and she then heard three gunshots. Ms. [redacted] related that the suspect had a long history of drug and alcohol abuse and he fought frequently with all members of his family. She stated that on this day the suspect appeared to be out of control and irrational. She stated the suspect often picked up large and heavy items and threw them at family members when he was angry.

Mr. [redacted] , related he heard commotion coming from the suspect's home and when he went outside to investigate, he was confronted by the suspect who told him, "What the hell are you looking at?" Mr. [redacted] related he then saw the suspect try to tear the garage door apart as he continued to curse at Mr. [redacted] and his [redacted], [redacted]. He stated the suspect had a history of alcohol and drug abuse and in the past he has seen the suspect involved in fights with both Mr. [redacted] and [redacted]. Mr. [redacted] stated he heard the three gunshots fired some time after the deputies arrived.

[redacted], M-17, [redacted] stated that at approximately 1800 hours he heard Mr. [redacted] and the suspect arguing in the street in the front of his house. He stated Mr [redacted] was standing in the street next to one of his vehicles as the suspect was walking east toward his home. He stated Mr. [redacted] yelled out to the

suspect, "Give me back the keys, you son-of-a-bitch". He stated [redacted], the suspect's mother, then walked back to where Mr. [redacted] was standing and they drove the vehicle back to their driveway. stated that approximately 20-25 minutes later he heard Mr. [redacted] yell, "Please don't, please don't!" He stated that about one minute later he heard three gunshots.